

Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 ACDA-07 AGRE-00 AID-05 CEA-01 CEQ-01
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EB-08 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00 H-01
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NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15
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FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC IMMEDIATE 2835

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FROM USDEL

E.O. 11652: N/A
TAGS: EFIS, ICNAF, US, XN, CA, PLOS
SUBJECT: RENEGOTIATION OF ICNAF, OTTAWA, MARCH 14-25

1. SUMMARY: U.S. DEL MET WITH CANADIAN REPS MARCH 13
TO REVIEW CANADIAN DRAFT CONVENTION. U.S. SIDE EXPRESSED
ITS CONCERN ABOUT FOLLOWING PROVISIONS OF DRAFT:
INCLUSION OF SALMON AND TUNA UNDER JURISDICTION OF CONSER-
VATION COMMISSION; PROVISION FOR VOTING IN SCIENTIFIC
COUNCIL; GENERAL EMPHASIS OF DRAFT ON FISHERIES MANAGEMENT
WITH SCIENCE BODY APPEARING TO EXIST TO SERVE THE MANAGE-
MENT BODY; AND PROBLEM OF QUOTE CREEPING JURISDICTION
UNQUOTE WHEREBY MANAGEMENT OF STOCKS FOUND BOTH WITHIN
AND BEYOND NATIONAL JURISDICTION MUST BE CONSISTENT WITH
MEASURES TAKEN BY THE COASTAL STATE. OPENING PLENARY
SESSION ON MARCH 14 BEGAN WITH STATEMENT BY SECRETARY
OF STATE FOR EXTERNAL AFFAIRS JAM . EXPRESSING SPECIFIC

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CANADIAN OBJECTIVES FOLLOWED BY GENERAL DELEGATION
STATEMENTS. U.S. INDICATED THAT WE ANTICIPATE BEING A
PARTY TO A PROPERLY STRUCTURED SCIENTIFIC BODY ONLY,
AND WOULD NOT JOIN ANY MANAGEMENT BODY WITHIN THE
SUCCESSOR CONVENTION TO ICNAF. MEETING NOW RECEIVING
COMMENTS ON ARTICLE BY ARTICLE BASPS. PROGRESS IS SLOW.
END SUMMARY.

2. U.S. DEL MET WITH CANADIAN REPS LEGAULT, NEEDLER, ROBERTS, AND PHILLIPS ON MARCH 13 TO DISCUSS DRAFT. U.S. INDICATED IT WOULD SEEK TO EXCLUDE SALMON AND TUNA FROM THE CONVENTION, OR, IN CASE OF SALMON, INCLUDE A PROHIBITION ON FISHING ON SALMON BEYOND ZONES OF NATIONAL JURISDICTION. CANADIANS INDICATED THAT EXCLUSION FOR SALMON IS A POSSIBILITY, BUT THEY WOULD PREFER TO INCLUDE LOS ARTICLE 55 LANGUAGE RATHER THAN AN OUTRIGHT PROHIBITION ON FISHING BEYOND NATIONAL JURISDICTIONS. CANADIANS INDICATED PREFERENCE TO INCLUDE TUNA WITHIN NEW CONVENTION IN COORDINATION WITH OTHER CONVENTIONS SUCH AS ICCAT, BUT WOULD CONSIDER EXCLUDING TUNA IF U.S. INSISTED. U.S. EXPRESSED CONCERN THAT THE DRAFT CONVENTION, CONTRARY TO THE SEPARATION OF THE SCIENCE AND MANAGEMENT BODIES CONTEMPLATED AT THE DECEMBER ICNAF MEETING IN TENERIFE, APPEARS TO LIMIT THE ROLE OF THE SCIENTIFIC COUNCIL TO THAT OF SCIENTIFIC ADVISOR TO THE MANAGEMENT BODY AND/OR TO THE COASTAL STATES. THE IMPRESSION CREATED BY THE DRAFT IS THAT THE SCIENTIFIC COUNCIL IS A SUBORDINATE BODY, NOT REALLY INDEPENDENT OR ORIENTED TOWARD FURTHERING BASIC SCIENCE IN THE NORTHWEST ATLANTIC. CANADIANS REPLIED THAT THEIR PRIORITIES WERE IN MANAGEMENT AREA, AND THAT QUOTE GUT ISSUE UNQUOTE IS TO ACHIEVE SOME MEASURE OF CONTROL OVER FISHING ON THE CANADIAN SHELF, IN AREAS OF GRAND BANKS AND FLEMISH CAP, BEYOND 200 MILES. U.S. DEL CONCLUDED THAT U.S. PRIORITIES ARE INDEED DIFFERENT. U.S. DEL INDICATED IT MIGHT NOT WISH TO PARTICIPATE LIMITED OFFICIAL USE

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IN NEW CONVENTION IF CURRENT EMPHASIS IS MAINTAINED.

3. U.S. RAISED ISSUE OF QUOTE CREEPING JURISDICTION UNQUOTE INHERENT IN DRAFT ARTICLE VI WHICH PROVIDES THAT THE CONSERVATION COMMISSION, WHEN MANAGING STOCKS OUTSIDE 200 MILES WHICH INTERRELATE WITH STOCKS INSIDE 200 MILES, WOULD BE REQUIRED TO ADOPT MEASURES CONSISTENT WITH MEASURES ADOPTED BY THE COASTAL STATE. CANADIANS EXPRESSED DISMAY THAT THE U.S. WOULD NOT SUPPORT THEM ON THIS ISSUE, INDICATED THEY WOULD PRESS ON WITHOUT US, AND WONDERED ALOUD HOW WE COULD OBJECT IN LIGHT OF OUR QUOTE SCHIZOPHRENIC UNQUOTE APPROACH TO SALMON IN U.S. FCMA VIS-A-VIS THE U.S. POSITION IN LOS.

4. U.S. EXPRESSED CONCERN REGARDING VOTING IN SCIENTIFIC COUNCIL, INDICATING THAT DECISIONS ON SCIENCE SHOULD BE TAKEN BY CONSENSUS. CANADIANS APPEAR FLEXIBLE ON THIS POINT AND INDICATED THAT OTHER DELEGATIONS HAD MADE

SOME OBSERVATION. FYI. RE ATLANTIC SALMON. CANADIANS INDICATED THAT EC MAY NOT BE ABLE TO KEEP GREENLAND WITHIN THE EC COMMON FISHERIES POLICY. END FYI.

5. PARTICIPATION IN MEETING. ALL ICNAF MEMBERS PRESENT EXCEPT ICELAND AND GERMAN DEMOCRATIC REPUBLIC. EC REP FISHER IS SPEAKING ON BEHALF OF ALL EC MEMBER COUNTRIES, WHOSE REPRESENTATIVES ARE REMAINING SILENT ON ALL ISSUES, DESPITE APPARENT FRUSTRATION AT TIMES.

6. MEETING TO RENEGOTIATE ICNAF OPENED MORNING OF MARCH 14 BY CANADIAN SECRETARY OF STATE JAMIESON WITH SPEECH EXPLICITLY STATING CANADA'S NEEDS IN A NEW CONVENTION. CANADIAN REP LEGAULT INTRODUCED CANADIAN DRAFT. OTHER COUNTRIES INCLUDING U.S. MADE OPENING STATEMENTS OF A GENERAL, NON-CONTROVERSIAL NATURE EXPRESSING WILLINGNESS TO PARTICIPATE IN SOME FORM OF LIMITED OFFICIAL USE

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CG-00 CIAE-00 COME-00 DLOS-06 DODE-00 DOTE-00
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SAL-01 OIC-02 AF-08 ARA-06 EA-07 NEA-10 /147 W
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ORGANIZATION TO SUCCEED ICNAF. U.S. STATEMENT
EXPRESSED HOPE THAT THE NEW ORGANIZATION WOULD BE

SUFFICIENTLY CONSISTENT WITH U.S. LAW, AND SUFFICIENTLY FLEXIBLE, TO ALLOW U.S. PARTICIPATION IN THE SCIENTIFIC AREA, BUT THAT THE U.S. DID NOT FORESEE PARTICIPATING IN THE AREA OF FISHERY MANAGEMENT. SINCE MOST DELEGATIONS HAD RECEIVED THE DRAFT CONVENTION ONLY THAT MORNING, THE MEETING ADJOURNED AT LUNCH FOR STUDY OF THE DRAFT.

7. MEETING RECONVENED AFTERNOON MARCH 15 WITH GENERAL COMMENTS ON ALL ARTICLES IN DRAFT CONVENTION, LEAVING PREAMBLE FOR LAST. IT WAS AGREED THAT NEGOTIATION, OR REDRAFTING WOULD NOT OCCUR UNTIL COMMENTS HAVE BEEN RECEIVED ON ALL NINETEEN ARTICLES. TWO ANNEXES CONTEMPLATED HAVE NOT BEEN DRAFTED. CANADIANS INDICATED THAT THEY VIEW ANNEX I AS A DESCRIPTION OF THE CONVENTION AREA, BASED ON THE EXISTING ICNAF GRID, BUT FORMALLY INCLUDING ALL OF STATISTICAL AREAS O AND 6, PLUS ADDING BAFFIN BAY. DRAFT DEFINES CONVENTION AREA AS INCLUDING LIMITED OFFICIAL USE

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TERRITORIAL SEA AND INTERNAL WATERS. THE U.S. INDICATED THAT IT COULD NOT MAKE A TREATY OBLIGATION TO REPORT STATISTICAL INFORMATION FOR THE U.S. TERRITORIAL SEA AND INTERNAL WATERS, SINCE OUR STATES HAVE JURISDICTION OVER FISHERIES IN THOSE AREAS. CANADIAN REP. EXPRESSED HOPE THAT U.S. COULD FIND A WAY TO OVERCOME ITS PROBLEM. U.S. INDICATED THAT THE OLD ICNAF GRID NEED NOT BE USED, SINCE ICNAF HAD ALREADY AGREED TO A NEW REPORTING SYSTEM BASED ON 30-MINUTE SQUARES. CANADA REPLIED THAT IT PREFERS TO USE OLD ICNAF GRID FOR CONTINUITY, PERHAPS INCLUDING NEW REPORTING SYSTEM AS WELL. DISCUSSION WENT SLOWLY, WITH LITTLE OR NO INCLINATION, WITH EXCEPTION OF U.S., IN COMMENTING ON CANADIAN APPROACH. MARCH 16 DISCUSSION ENDED WITH ONLY ARTICLES I AND II COMPLETED.

8. WEDNESDAY AND THURSDAY SESSIONS DEVOTED TO DISCUSSIONS ARTICLES III THROUGH VII. GENERAL CONCERN EXPRESSED RE ROLE AND STRUCTURE OF SCIENTIFIC COUNCIL, WHICH CANADA EXPLAINED ENVISIONED ONLY AS ADVISORY WITH ALL MANAGEMENT DECISIONS BEING MADE BY COASTAL STATE AND/OR FISHERIES CONSERVATION COMMISSION. U.S. STATEMENT EMPHASIZED THAT SCIENTIFIC RESEARCH AND COOPERATION SHOULD BE INDEPENDENT, AND THAT CONVENTION SHOULD INCLUDE SPECIFIC MEANS FOR STRENGTHENING AND COORDINATING RESEARCH, DISSEMINATING INFORMATION AND EXCHANGING VIEWS. IN U.S. VIEW LINKAGE BETWEEN SCIENTIFIC COUNCIL AND COMMISSION SHOULD BE THROUGH A SUB-GROUP IN THE COMMISSION.

9. ARTICLE 6 PARA 5 PROVIDES THAT PROPOSALS OF CONSERVATION COMMISSION SHALL, WHEN DEALING WITH STOCKS

WHICH OCCUR BOTH IN AND OUTSIDE AREAS OF NATIONAL JURISDICTION, BE CONSISTENT WITH COASTAL STATE MANAGEMENT MEASURES. PORTUGAL, USSR, JAPAN, POLAND, AND EC, ALL EXPRESSED SERIOUS CONCERN RE INCONSISTENCY WITH RSNT. U.S. ALSO INDICATED UNABLE TO SUPPORT DRAFT TEXT. ARTICLE 6 PARA 6 PROVIDES THAT ALLOCATIONS LIMITED OFFICIAL USE

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SHALL TAKE INTO ACCOUNT THE SPECIAL INTEREST OF THE COASTAL STATE AND THE NEEDS OF ITS COASTAL COMMUNITIES. EXCEPTIONS TO THIS PARA WERE TAKEN EVEN MORE STRONGLY BY ALL DELEGATIONS.

10. CANADA STRONGLY DEFENDED DRAFT ON ALL POINTS STATING THAT NOTHING IN DRAFT INCONSISTENT WITH LOS QUOTE CONSENSUS UNQUOTE, WHICH IS SIMPLY LAYING DOWN BASIC CONCEPTS. THESE BASIC PRINCIPLES CAN AND MUST BE EXPANDED AND DEVELOPED IN BILATERAL AND REGIONAL ARRANGEMENTS REFLECTING SPECIAL CIRCUMSTANCES. CANADIANS REPEATED SEVERAL TIMES THAT THESE ISSUES OF FUNDAMENTAL IMPORTANCE TO THEM AND ASKED ALL DELEGATIONS TO TAKE THIS INTO ACCOUNT.

11. IN PRIVATE DISCUSSION WITH CANADIANS THURSDAY AFTERNOON, MARCH 17, LEGAULT EXPLAINED GOC CONCEPT OF JOINT INTERNATIONAL ENFORCEMENT IN REGULATORY AREA WOULD BE SAME AS NOW EXISTS IN ICNAF (I.E. FLAG STATE ENFORCEMENT) LEGAULT EMPHASIZED IMPORTANCE TO GOC OF RETAINING ENFORCEMENT SCHEME IN REGULATORY AREA OFF CANADA. U.S. DEL REPLIED THAT DRAFT CONVENTION MUST INCLUDE SPECIFICS OF ENFORCEMENT SCHEME AND THAT U.S. COULD NOT ACCEPT ENFORCEMENT OTHER THAN BY FLAG STATES BEYOND 200 MILES.

12. U.S. DEL EMPHASIZED CONCERN THAT TUNA AND SALMON BE EXCLUDED FROM PURVIEW OF REGULATORY BODY, AND THAT SCIENTIFIC COUNCIL BE OPERATIVE ON A FULLY OBJECTIVE AND INDEPENDENT MANNER AND BE INSULATED FROM THE CONSERVATION COMMISSION. U.S. DEL SUGGESTED AGAIN THAT A SUB-BODY OR COMMITTEE BE ESTABLISHED WITHIN COMMISSION. THE SUB-BODY WOULD CONSIDER SOCIO-ECONOMIC AND OTHER NON-BIOLOGICAL QUESTIONS AND, AS NECESSARY, REQUEST SCIENTIFIC ADVICE FROM THE SCIENTIFIC COUNCIL. U.S.

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DEL ASKED TO PARTICIPATE IN ANY REDRAFTING OF GOC TEXT
FOR CONSIDERATION BY GROUP NEXT WEEK AND STATED THAT
U.S. WAS ALREADY PREPARING NEW DRAFT LANGUAGE FOR
ARTICLES DEALING WITH THE SCIENTIFIC COUNCIL.

13. LEGAULT INDICATED THAT GOC WOULD PREPARE NEW DRAFT
FOR CONSIDERATION NEXT WEEK AND WELCOMED U.S. VIEWS ON
SCIENTIFIC COUNCIL. HE SAID GOC HAD TAKEN CAREFUL NOTE
OF U.S. CONCERNS, AND EXPRESSED CONFIDENCE THAT NEW
GOC DRAFT WOULD ACCOMMODATE U.S. CONCERNS. LEGAULT
SAID HE WAS REDRAFTING ARTICLE VI, PARAS 5 AND 6 AND
WOULD GIVE FURTHER CONSIDERATION TO U.S. POSITION RE
LINKAGE BETWEEN SCIENTIFIC COUNCIL AND COMMISSION.

14. U.S. DEL HAS POUCHED TEXT DRAFT CONVENTION AND
MEETING DOCUMENTS. ENDERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Control Number: n/a
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Decaption Note:
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Disposition Case Number: n/a
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